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BRIARCLIFF MANOR, NY 10510

EXAMINER

KAPLAN, BENJAMIN A

ART UNIT	PAPER NUMBER
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2139

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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/572,617

Applicant(s)

SISODIA ET AL.

Examiner

Benjamin A. Kaplan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 7, 9 & 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent Application Publication No.: US 2002/0051540 A1 (Glick et al.).

As Per Claim 1: Glick et al. teaches:

- A method of receiving a broadcast signal, the method comprising the steps of receiving an encoded broadcast signal (100) in a receiver (200) from a broadcast device (300), where the encoded broadcast signal (100) have been encoded on the basis of at least one region code (RC1, RC2, . . .) each representing a region

(Glick et al., Abstract, Lines 1-12, "A method and apparatus for controlling access to digital information utilizes a location identity attribute that defines a specific geographic location. The location identity attribute is associated with the digital information such that the digital information can be accessed only at the specific geographic location. The location identity attribute further includes a location value and

a proximity value. The location value corresponds to a location of an intended recipient appliance of the digital information, and may be further defined in terms of latitude, longitude and altitude dimensions. The digital information is encrypted using a geolocking key based at least in part on the location identity attribute.”).

(Glick et al., Specification, Paragraph [0120], Lines 1-6, “There are numerous applications and data formats in which the location identity attribute can be used to control access to digital information. A user can receive geolocked digital information in electronic form using any conventional method, including via telephone line, fiber optic, cable television, satellite broadcast, wireless or other media.”).

- obtaining a region code (RC1, RC2, . . .) of a region that the receiver (200) is located in

(Glick et al., Specification, Paragraph [0063], Lines 1-4, “FIG. 6A shows an address decoding method 240 in which a geocode is resolved from the street address for the appliance that will receive the geolocked digital information.”).

- obtaining a decoding key (D.sub.k) in the receiver (200), and decoding the broadcast signal (100) using the obtained decoding key (D.sub.k) and on the basis of the obtained region code (RC1, RC2, . . .)

(Glick et al., Abstract, Lines 17-21, “The appliance that receives the encrypted digital information can generate the geolocking key to decrypt the digital information based on the received shape parameter and the appliance location.”).

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(Glick et al., Specification, Paragraph [0045], "Geolock. An enforced association between digital information and a geographic area defined by a location identity attribute.").

As Per Claim 5: The rejection of claim 1 is incorporated and further Glick et al. teaches:

- the step of obtaining a region code (RC1, RC2, . . .) of a region that the receiver (200) is located in comprises: obtaining Global Positioning System (GPS) data from location determination means (206) and using the obtained GPS data to derive the region code (RC1, RC2, . . .)

(Glick et al., Specification, Paragraph [0065], Lines 1-3, "FIG. 6C shows a GPS data recovery method 260 in which the location value is recovered from a GPS receiver embedded in the appliance.").

As Per Claim 7: The rejection of claim 1 is incorporated and further Glick et al. teaches:

- the step of obtaining a decoding key (D.sub.k) comprises: selecting a secure cryptographic key and obtaining the decoding key (D.sub.k) by performing a function on the secure cryptographic key and the obtained region code (RC1, RC2, . . .).

(Glick et al., Abstract, Lines 17-21, "The appliance that receives the encrypted digital information can generate the geolocking key to decrypt the digital information based on the received shape parameter and the appliance location.").

As Per Claim 9: Glick et al. teaches:

- A method of transmitting a broadcasting signal, the method comprising the steps of: obtaining, in a broadcast device (300), a signal (S) to be transmitted to a number of receivers (200), encoding the signal (S) with a number of orthogonal encoding keys (E.sub.k,1, E.sub.k,2, E.sub.k,3, . . .) and on the basis of one or more a region codes (RC1, RC2, . . .) representing a region, thereby generating an encoded broadcast signal (100), and transmitting the encoded broadcast signal (100) to a number of receivers (200).

(Glick et al., Abstract, Lines 1-12, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0067], Lines 1-7, "In accordance with an embodiment of the invention, the digital information is encrypted before transfer to an appliance and the location identity attribute 140 is used to generate a location identity based key used to encrypt the digital information. The layer of encryption added to the digital information enforces the limitation on access defined by the location identity attribute 140.").

(Glick et al., Specification, Paragraph [0120], Lines 1-6, as seen in the rejection of claim 1).

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(Glick et al., Specification, Paragraph [0063], Lines 1-4, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0045], as seen in the rejection of claim 1).

As Per Claim 12: Glick et al. teaches:

- A broadcast device (300) comprising an encoder (302) for receiving a signal (S) to be transmitted to a number of receivers (200) and for encoding the signal (S) with a number of orthogonal encoding keys (E.sub.k,1, E.sub.k,2, E.sub.k,3, . . .) and on the basis of one or more a region codes (RC1, RC2, . . .), thereby generating an encoded broadcast signal (100), and a transmitter circuit (301) for transmitting the encoded broadcast signal (100) to a number of receivers (200).

(Glick et al., Abstract, Lines 1-12, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0067], Lines 1-7, as seen in the rejection of claim 9).

(Glick et al., Specification, Paragraph [0120], Lines 1-6, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0063], Lines 1-4, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0045], as seen in the rejection of claim 1).

As Per Claim 13: Glick et al. teaches:

- A receiver device (200) comprising a receiver circuit (201) for receiving an encoded broadcast signal (100) from a broadcast device (300), where the encoded broadcast signal (100) have been encoded on the basis of at least one region code (RC1, RC2, . . .) each representing a region,

(Glick et al., Abstract, Lines 1-12, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0120], Lines 1-6, as seen in the rejection of claim 1).

- location determination means (202, 206) for a obtaining a region code (RC1, RC2, . . .) of a region that the receiver (200) is located in,

(Glick et al., Specification, Paragraph [0063], Lines 1-4, as seen in the rejection of claim 1).

A device that obtains a region code inherently has a means for doing so.

- means (202) for obtaining a decoding key (D.sub.k), and a decoder (202) for decoding the broadcast signal (100) using the obtained decoding key (D.sub.k) and on the basis of the obtained region code (RC1, RC2, . . .).

(Glick et al., Abstract, Lines 17-21, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0045], as seen in the rejection of claim 1).

A device that obtains a decoding key inherently has a means for doing so.

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As Per Claim 14: Claim 14 is essentially a restatement of claim 12 as a broadcasting system and is rejected under substantially the same reasoning.

As Per Claim 15: Claim 15 is essentially a restatement of claim 1 as a computer readable medium and is rejected under substantially the same reasoning.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 6, 8, 10 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glick et al. in further view of Patent Application Publication No.: US 2003/0126594 A1 (Tsuria et al.).

As Per Claim 2: The rejection of claim 1 is incorporated and Glick et al. does not explicitly teach the following limitations:

- the method further comprises the step of obtaining a pay-mode (PM1, PM2, . . .) and in that the step of decoding the broadcast signal (100) further comprises using a pay-mode key (PM.sub.k) being dependent on the obtained pay-mode (PM1, PM2, . . .).

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However Tsuria et al. in analogous art teaches the above limitations:

(Tsuria et al., Specification, Paragraph [0043], Lines 1-10, "In contrast to the prior art, the present invention may enable viewers in region X to record the event 10 and view it after the event 10 is over, or alternatively to view the event 10 live upon payment of a predefined fee, typically, but not necessarily, more than a ticket price to the event 10. In preferred embodiments of the present invention, the electronic content that corresponds to the blacked out event 10 may be scrambled (step 100, FIG. 2) and transmitted by a content provision (or delivery, the terms being used interchangeably) system 16 (step 101, FIG. 2).").

(Tsuria et al., Specification, Paragraph [0045], "The scrambled content is prevented from being descrambled until a time criterion and/or payment criterion is met (step 102), as is described in detail hereinbelow. The content may be scrambled by any appropriate method for enciphering, encrypting or encoding, the terms scrambling, enciphering, encrypting and encoding being used herein interchangeably. Likewise, the content may be descrambled by any corresponding appropriate method for deciphering, decrypting or decoding, the terms descrambling, deciphering, decrypting and decoding being used herein interchangeably.").

The key that would handle decrypting the scrambled content is the pay-mode key.

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Tsuria et al. in to the teachings of Glick et al., because one of ordinary skill in the art would be motivated to make use of

available methods for improving controlling of access to electronic content in order to have available additional pay or premium service options available with which to provide content to the user the consumer (e.g. local control of access to sporting events).

As Per Claim 3: The rejection of claim 2 is incorporated and further Glick et al. teaches:

- the decryption key (D.sub.k) is derived on the basis of the obtained region code (RC1, RC2, . . .) and the pay-mode key (PM.sub.k) is independent of the obtained region code (RC1, RC2, . . .), or

(Glick et al., Abstract, Lines 1-12, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0120], Lines 1-6, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0063], Lines 1-4, as seen in the rejection of claim 1).

(Glick et al., Abstract, Lines 17-21, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0045], as seen in the rejection of claim 1).

Glick et al. does not explicitly teach the following limitations:

- the pay-mode key (PM.sub.k) is derived on the basis of the obtained region code (RC1, RC2, . . .) and the decryption key (D.sub.k) is independent of the obtained region code (RC1, RC2, . . .), or

- the decryption-key (D.sub.k) and the pay-mode key (PM.sub.k) are derived on the basis of the obtained region code (RC1, RC2, . . .).

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However Tsuria et al. in analogous art does teach the above limitations:

(Tsuria et al., Specification, Paragraph [0043], Lines 1-10, as seen in the rejection of claim 2).

(Tsuria et al., Specification, Paragraph [0045], as seen in the rejection of claim 2).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Tsuria et al. in to the teachings of Glick et al., because one of ordinary skill in the art would be motivated to make use of available methods for improving controlling of access to electronic content in order to have available additional pay or premium service options available with which to provide content to the user the consumer (e.g. local control of access to sporting events).

As Per Claim 4: The rejection of claim 2 is incorporated and Glick et al. does not explicitly teach the following limitations:

- the pay-mode (PM) is derived on the basis of the obtained region code (RC1, RC2, ...).

However Tsuria et al. in analogous art teaches the above limitations:

(Tsuria et al., Drawings, Figure 1,

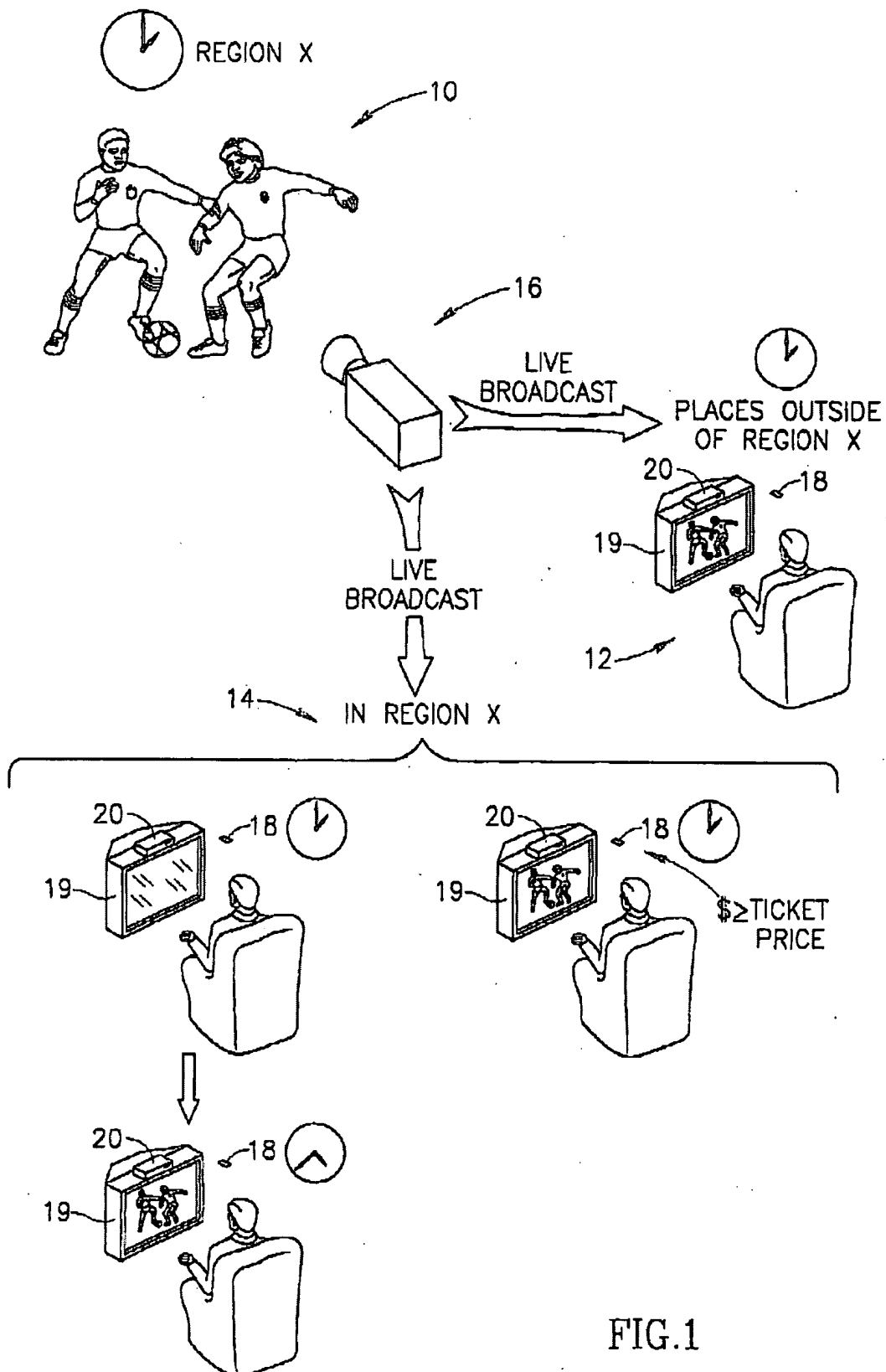


FIG.1

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Tsuria et al. in to the teachings of Glick et al., because one of ordinary skill in the art would be motivated to make use of available methods for improving controlling of access to electronic content in order to have available additional pay or premium service options available with which to provide content to the user the consumer (e.g. local control of access to sporting events).

As Per Claim 6: The rejection of claim 1 is incorporated and Glick et al. does not explicitly teach the following limitations:

- the method further comprises the step of: presenting to a user of the receiver (200) an amount to be paid in order to be presented with the broadcast signal (100) and presenting the broadcast signal (100) only if the user accept a payment of the amount

(Tsuria et al., Specification, Paragraph [0043], Lines 1-5, "In contrast to the prior art, the present invention may enable viewers in region X to record the event 10 and view it after the event 10 is over, or alternatively to view the event 10 live upon payment of a predefined fee, typically, but not necessarily, more than a ticket price to the event 10.").

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Tsuria et al. in to the teachings of Glick et al., because one of ordinary skill in the art would be motivated to make use of

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available methods for improving controlling of access to electronic content in order to have available additional pay or premium service options available with which to provide content to the user the consumer (e.g. local control of access to sporting events).

As Per Claim 8: The rejection of claim 2 is incorporated and further Glick et al. teaches:

- the step of obtaining a pay-mode key (PM.sub.k) comprises: selecting a secure cryptographic key and obtaining the pay-mode key (PM.sub.k) by performing a function on the secure cryptographic key and the obtained region code (RC1, RC2, . . .).

(Glick et al., Specification, Paragraph [0063], Lines 1-4, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0067], Lines 1-7, "In accordance with an embodiment of the invention, the digital information is encrypted before transfer to an appliance and the location identity attribute 140 is used to generate a location identity based key used to encrypt the digital information. The layer of encryption added to the digital information enforces the limitation on access defined by the location identity attribute 140.").

As Per Claim 10: The rejection of claim 9 is incorporated and Glick et al. does not explicitly teach the following limitations:

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- the step of: encoding the signal (S) or the encoded broadcast signal (100) with at least one pay-mode (PM) or pay-mode key (PM.sub.k) prior to transmitting the encoded broadcast signal (100).

However Tsuria et al. in analogous art teaches the above limitations:

(Tsuria et al., Specification, Paragraph [0043], Lines 1-10, as seen in the rejection of claim 2).

(Tsuria et al., Specification, Paragraph [0045], as seen in the rejection of claim 2).

The key that would handle encrypting or scrambling of the content is the pay-mode key.

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Tsuria et al. in to the teachings of Glick et al., because one of ordinary skill in the art would be motivated to make use of available methods for improving controlling of access to electronic content in order to have available additional pay or premium service options available with which to provide content to the user the consumer (e.g. local control of access to sporting events).

As Per Claim 11: The rejection of claim 10 is incorporated and Glick et al. does not explicitly teach the following limitations:

- the encoding keys (E.sub.k,1, E.sub.k,2, E.sub.k,3, . . .) is dependent on the one or more region codes (RC1, RC2, . . .) and the pay-mode key (PM.sub.k) is independent of the one or more region codes (RC1, RC2, . . .), or

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(Glick et al., Abstract, Lines 1-12, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0067], Lines 1-7, as seen in the rejection of claim 9).

(Glick et al., Specification, Paragraph [0120], Lines 1-6, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0063], Lines 1-4, as seen in the rejection of claim 1).

(Glick et al., Specification, Paragraph [0045], as seen in the rejection of claim 1).

- the pay-mode key (PM.sub.k) is dependent on the one or more region codes (RC1, RC2, . . .) and the encoding keys (E.sub.k,1, E.sub.k,2, E.sub.k,3, . . .) are independent of the one or more region codes (RC1, RC2, . . .),

- or the encoding keys (E.sub.k,1, E.sub.k,2, E.sub.k,3, . . .) and the pay-mode key (PM.sub.k) are dependent on the obtained region codes (RC1, RC2, . . .).

(Tsuria et al., Specification, Paragraph [0043], Lines 1-10, as seen in the rejection of claim 2).

(Tsuria et al., Specification, Paragraph [0045], as seen in the rejection of claim 2).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teachings of Tsuria et al. in to the teachings of Glick et al., because one of ordinary skill in the art would be motivated to make use of available methods for improving controlling of access to electronic content in order to

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have available additional pay or premium service options available with which to provide content to the user the consumer (e.g. local control of access to sporting events).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Kaplan whose telephone number is 571-270-3170. The examiner can normally be reached on 7:30 a.m. - 5:00 p.m. E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Kaplan


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PRIMARY EXAMINER